The Planning Inspectorate

Appeal Decision

Site visit made on 25 June 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

Appeal Ref: APP/Y2430/W/19/3226772
Land to the rear of Overfields, 1 Belvoir Lane, Redmile NG13 0GL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Belvoir Estates (Mr G Milham) against the decision of Melton Borough Council.
- The application Ref 18/00851/FUL, dated 17 July 2018, was refused by notice dated 15 November 2018.
- The development proposed is erect two two-storey dwellings with car parking.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:-

   - The effect of the proposed development on the character and appearance of the area; and

   - Whether the proposed dwellings would represent sustainable development in respect of their location.

Reasons

Character and appearance

3. The site is located to the rear of an approved scheme which would involve the change of use of agricultural buildings. The general layout of the village is of dwellings taking access directly from the highway, and the proposals would require the use of an access leading past the approved scheme. Whilst the village is relatively linear in layout, there are examples of tandem development within the locality. Therefore, I find that the means of access proposed to the appeal site would not appear incongruous or out of place within the locality. In addition, I find that the design and layout of the appeal proposals would be sympathetic to the character and appearance of the area, especially when viewed in reference to the newer developments on Post Office Lane.

4. Overall, on this issue I find that the appeal proposals would not be contrary to Policy D1 of the LP, which requires development to be of high-quality design and the siting and layout be sympathetic to the character of the area.

Sustainable development

5. The site is located within the village of Redmile, which is identified as a Rural Settlement in the Melton Local Plan (2018) (the LP). Policy SS1 sets out the policy position in relation to the presumption in favour of sustainable development. The key policy in relation to locational sustainability in relation to the suitability of proposal is set out by Policy SS3 which states the permission would be granted within existing settlements, subject to meeting certain criteria. This includes where the housing meets a proven local need, as identified by substantive evidence. This evidence can include a neighbourhood plan, community led strategy, or other evidence provided by the applicant.

6. There is no neighbourhood plan for Redmile, nor is there a community led strategy that identifies a need for housing. The appellant has carried out a housing assessment survey of all occupiers of the village in order to provide evidence of local need. From this, it appears that three positive responses were received. The appellant states that this format has been carried out at another Local Authority and was accepted. The Council contend that this is not a sufficient level of return to demonstrate a local need.

7. From the evidence in front of me, I find that such a low response does not constitute substantive proof of local need, and as such, the proposal does not meet the criteria set out in Policy SS3 of the LP.

8. In addition to this, Policy SS3 states that development should be served by existing sustainable infrastructure or provide new infrastructure or services that would benefit the wider settlement. No additional benefits are proposed. From the information in front of me, the local services are extremely limited, which would increase reliance on private vehicles to access day to day services and employment options. This is contrary to Policy SS3 as well as Paragraphs 102 and 103 of the National Planning Policy Framework (the Framework) which states that planning should actively manage patterns of growth in support of the objective to promote walking, cycling and the use of public transport. Sustainable transport solutions can vary significantly between urban and rural areas, but from the evidence before me, it seems that there are very limited services that could be accessible from the site by sustainable transport means.

9. I note the reference of the appellant to previous residential approvals close to the site which were approved by the Council with similar limitations. However, I have considered this appeal on its own particular merits and I am not bound by other decisions of the Council.

10. I therefore conclude that the proposals would not represent sustainable development in respect of their location and would conflict with LP Policies SS1 and SS3.

Other Matters

11. It is not clear from the evidence before me whether or not the Council is able to demonstrate a five-year housing supply. In these circumstances it is appropriate for me to assess the proposal having regard to Paragraph 11 of the Framework. In this case I am satisfied that the policies on which the Council relied are consistent with the aims of the Framework. Consequently, any conflict with them carries full weight in my assessment.

12. I accept that the proposal would provide a modest social benefit arising from the added supply of housing and there would be some limited economic benefits associated with the creation of employment during the construction period.

13. However, even if the Council was unable to demonstrate a five-year housing land supply, the adverse impacts associated with the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The presumption in favour of sustainable development therefore does not apply in this case.

Conclusion

14. Therefore, for the reasons above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR